

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RAYFIELD JOHNSON,

Plaintiff,

v.

SEKHAR VANGALA, et al.,

Defendants.

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No. 4:17-CV-1538 CDP

MEMORANDUM AND ORDER


This matter is before the Court on plaintiff's motion for extension of time to file a notice of appeal. Plaintiff requests additional time to file his notice of appeal because he suffers from a medical condition that causes him disorientation. He also states that the mail clerk at Sex Offender Rehabilitation and Treatment Services ("SORTS"), where he is detained, is on administrative leave, and his mail has been delayed. Plaintiff attaches to the motion a letter from the United States Circuit Court of Appeals for the Eighth Circuit, which states that his notices of appeal in three separate cases, including this case, were untimely filed.

The Court dismissed plaintiff's case pursuant to 28 U.S.C. § 1915(e) on August 8, 2017. Under Rules 4(a)(1)(A) and 25(a)(2)(C) of the Federal Rules of Appellate Procedure, plaintiff's notice of appeal was due to be placed in the mail system at SORTS no later than September 7, 2017. Plaintiff placed his notice of appeal in SORTS's mail system on August 13, 2017. As a result, plaintiff's notice of appeal was timely filed. Plaintiff's motion, therefore, will be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that because plaintiff's notice of appeal was timely filed, plaintiff's motion for extension of time to file a notice of appeal [Doc. #17] is **DENIED as moot**.

Dated this 6th day of October, 2017.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE